

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

☐ Valuation of Security ☐ Assumption of Executory Contract or Unexpired Lease ☐ Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **Brian W. Shaw
Latisha Shaw**

Case No.: 17-34064 (JKS)
Judge: John K. Sherwood

Debtor(s)

MODIFIED CHAPTER 13 PLAN AND MOTIONS

☐ Original ☒ Modified/Notice Required Date: May 23, 2019
☐ Motions Included ☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY
SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney RLS Initial Debtor: BWS Initial Co-Debtor LS

Part 1: Payment and Length of Plan

a. The debtor shall pay 227.00 Monthly to the Chapter 13 Trustee, starting on 12/1/17 for 6 months;
\$710 monthly starting on 7/1/18 for 54 months .

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:
Description: 6 Valley Road, Randolph, NJ 07869
Proposed date for completion: Completed pursuant to
Order Confirming Plan
entered on 6/25/18 and
Order Approving
Modification entered on
1/18/19

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or
loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13
Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the
debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
None		

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Shellpoint Mortgage Servicing	6 Valley Road, Randolph, NJ 07869	\$350,529.09* *Already cured pursuant to Order confirming Plan entered on 6/25/18 and Order Approving Loan Mod entered on 1/18/19	0.00	0.00	\$2,909.15

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

- 1.) The debtor values collateral as indicated below. If the claim may be modified under Section

1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Citibank	16-22 Polk Ave., Dover, NJ 07801	\$125,000 (debtor's interest)	Property to be surrendered in full and final satisfaction of the debt and mortgagee shall have no deficiency claim

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Capital One Auto Finance
Ocwen Loan Servicing

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ ___ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) **Ch. 13 Standing Trustee Commissions**
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Mortgagee obtained stay relief as to property situated at 16-22 Polk Ave., Dover, New Jersey	Plan modified to surrender real estate situated at 16-22 Polk Ave., Dover, New Jersey

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ **NONE**

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>May 23, 2019</u>	/s/ Brian W. Shaw Brian W. Shaw Debtor
Date: <u>May 23, 2019</u>	/s/ Latisha Shaw Latisha Shaw Joint Debtor
Date: <u>May 23, 2019</u>	/s/ Robert L. Schmidt Robert L. Schmidt Attorney for the Debtor(s)

Imaged Certificate of Notice Page 7 of 8

United States Bankruptcy Court
District of New JerseyIn re:
Brian W. Shaw
Latisha Shaw
DebtorsCase No. 17-34064-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 40

Date Rcvd: May 24, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 26, 2019.

db/jdb +Brian W. Shaw, Latisha Shaw, 6 Valley Road, Randolph, NJ 07869-2920
 lm +BANK OF AMERICA, N.A., PO BOX 31785, Tampa, FL 33631-3785
 lm Citibank, P.O.BOX 6243, SIOUX FALLS, SD 57117-6243
 cr +Deutsche Bank National Trust Company, Robertson, Anschutz, Schneid, P.L.,
 6409 congress Ave., Suite 100, Boca Raton, FL 33487-2853
 lm +Shellpoint Mortgage Servicing, PO BOX 51850, Livonia, MI 48151-5850
 517201549 +AHS Hospital Corp, c/o Anthony J. Iler, Richard W. Krieg, LLC, 17 Prospect Street,
 Morristown, NJ 07960-6862
 517319365 +ANESTHESIA ASSOCIATES OF MORRISTOWN, c/o GEM RECOVERY SYSTEMS,
 800 KINDERKAMACK ROAD SUITE 206N, ORADELL, NJ 07649-1554
 517201550 +Anesthesia Associates of Morristown, Attn: GEM Recovery Systems,
 99 Kinderkamack Road Suite 308, Westwood, NJ 07675-3021
 517574483 #+Atlantic Pacific Mortgage, 302 Fellowship Road, Mount Laurel, NJ 08054-1218
 517201551 +CACH LLC/MBNA America NA, Attn: Federated Law Gropu PLLC, 887 Donald Ross Road,
 Juno Beach, FL 33408-1611
 517325742 Citibank, N.A., c/o Bank of America, PO Box 31785, Tampa, FL 33631-3785
 517201553 Citimortgage, c/o KML Law Group, P.C., 216 Haddonfield Ave., Suite 401,
 Randolph, NJ 07869
 517201554 +Citimortgage, P.O. Box 183040, Columbus, OH 43218-3040
 517437140 +DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE F, 1661 Worthington Road, Suite 100,,
 West Palm Beach, FL 33409-6493
 517259817 +Deutsche Bank National Trust Company, C/O Robertson, Anschutz & Schneid P.L.,
 6409 Congress Ave, Suite 100, Boca Raton FL 33487-2853
 517201557 +Lawrence C. Antonucci, MD, LLC, 415 Route 24, Ste. E, Chester, NJ 07930-2920
 517443555 +MTGLQ Investors, L.P., c/o Shellpoint Mortgage Serving, PO Box 10826,
 Greenville, SC 29603-0826
 517201558 +MedLabs Diagnostics, 85 Horsehill Rd., Cedar Knolls, NJ 07927-2003
 517201559 +Michael Lockette, 6 Valley Road, Randolph, NJ 07869-2920
 517201562 +Morris County Dental, 15 Commerce Blvd., Ste. 201, Succasunna, NJ 07876-1343
 517201561 +Morris County Dental, Attn: IC System, Inc., PO Box 64378, Saint Paul, MN 55164-0378
 517201563 +Morristown EMA, PO Box 6312, Parsippany, NJ 07054-7312
 517201564 +Morristown Medical Center, PO Box 35610, Newark, NJ 07193-5610
 517441195 +Morristown Medical Center, c/o CCCB, PO Box 1750, Whitehouse Station, NJ 08889-1750
 517201565 Ocwen Loan Servicing, PO Box 785056, Orlando, FL 32878-5056
 517201566 +Quest Diagnostics, PO Box 740985, Cincinnati, OH 45274-0985
 517201569 Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg

E-mail/Text: usanj.njbankr@usdoj.gov May 24 2019 23:19:22 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 24 2019 23:19:20 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517201548 +E-mail/Text: mreed@affcollections.com May 24 2019 23:19:25 Accurate Collection Services,
 17 Prospect St., Morristown, NJ 07960-6862
 517438069 E-mail/PDF: resurgentbknofications@resurgent.com May 24 2019 23:28:31
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory,
 Corporation of America Holdings, Resurgent Capital Services, PO Box 10587,
 Greenville, SC 29603-0587
 517438698 E-mail/PDF: resurgentbknofications@resurgent.com May 24 2019 23:27:58 CACH, LLC,
 c/o Resurgent Capital Services, PO BOX 10675, Greenville, SC 29603-0675
 517214802 +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 24 2019 23:27:55
 Capital One Auto Finance, a division of Capital On, AIS Portfolio Services, LP,
 P.O. Box 165028, Irving, TX 75016-5028
 517261801 +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 24 2019 23:28:26
 Capital One Auto Finance, c/o AIS Portfolio Servis, P.O. Box 4360, Houston, TX 77210-4360
 517201552 +E-mail/Text: bankruptcy@certifiedcollection.com May 24 2019 23:19:11
 Certified Credit & Collection Bureau, PO Box 336, Raritan, NJ 08869-0336
 517201555 +E-mail/Text: cio.bncmail@irs.gov May 24 2019 23:18:49 Internal Revenue Service,
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
 517201556 +E-mail/Text: bkprpt@retrievalmasters.com May 24 2019 23:19:19 Laboratory Corp. of America,
 Attn: American Medical Collection Agency, 4 Westchester Plaza, Ste. 110,
 Elmsford, NY 10523-1615
 517201567 +E-mail/Text: bankruptcy_notifications@ccsusa.com May 24 2019 23:20:11 Quest Diagnostics,
 Attn: Credit Collection Services, 725 Canton St., Norwood, MA 02062-2679
 517201560 +E-mail/Text: collect@williamsalexander.com May 24 2019 23:19:00 Slobodan J. Miric, MD,
 c/o Williams, Alexander, & Associates, 1479 Route 23 South, Wayne, NJ 07470-7507
 517326629 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM May 24 2019 23:28:33 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 13

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 40

Date Rcvd: May 24, 2019

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517201568 Regional Cancer Associates-Morristown, 25 Main Street, Ste. 601

TOTALS: 1, * 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 26, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 23, 2019 at the address(es) listed below:

David A. Ast on behalf of Debtor Brian W. Shaw david@astschmidtllaw.com,
info@astschmidtllaw.com;robert@astschmidtllaw.com;astecf@gmail.com
David A. Ast on behalf of Joint Debtor Latisha Shaw david@astschmidtllaw.com,
info@astschmidtllaw.com;robert@astschmidtllaw.com;astecf@gmail.com
Denise E. Carlon on behalf of Loss Mitigation CitiBank dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor CitiBank, N.A. dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Kevin M. Buttery on behalf of Creditor Deutsche Bank National Trust Company
bkyefile@rasflaw.com
Marie-Ann Greenberg magecf@magtrustee.com
Melissa S DiCerbo on behalf of Creditor Shellpoint Mortgage Servicing, as servicer for MTGLQ
Investors nj-ecfmail@mwclaw.com, nj-ecfmail@ecf.courtdrive.com
Rebecca Ann Solarz on behalf of Creditor CitiBank, N.A. rsolarz@kmlawgroup.com
Robert L. Schmidt on behalf of Debtor Brian W. Shaw robert@astschmidtllaw.com,
info@astschmidtllaw.com;david@astschmidtllaw.com
Robert L. Schmidt on behalf of Joint Debtor Latisha Shaw robert@astschmidtllaw.com,
info@astschmidtllaw.com;david@astschmidtllaw.com
Sindi Mncina on behalf of Creditor Deutsche Bank National Trust Company smncina@rascrane.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 12